

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**THOMAS E. WHATLEY III**

**Plaintiff,**

**VS.**

**CREDITWATCH SERVICES, LTD.**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 4:11CV493**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 13, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Creditwatch Services, Ltd.'s Motion for Summary Judgment (Dkt. 18) be GRANTED in part as to Tex. Fin. Code Section 392.304(a)(4) and DENIED as to the remainder of Plaintiff's claims and that Plaintiff's Motion for Summary Judgment (Dkt. 61) be GRANTED in part as to Plaintiff's claims under 15 U.S.C. §§ 1692d(6) and 1692e(11) and for violation of Tex. Fin. Code §§ 392.304(a)(5)(B) and DENIED as to the remainder of Plaintiff's claims.

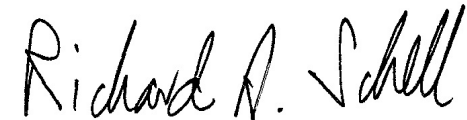
The court has made a *de novo* review of the objections raised by the parties (Dkts. 91 & 94) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby

adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant Creditwatch Services, Ltd.'s Motion for Summary Judgment (Dkt. 18) is GRANTED in part as to Tex. Fin. Code Section 392.304(a)(4) and DENIED as to the remainder of Plaintiff's claims and that Plaintiff's Motion for Summary Judgment (Dkt. 61) is GRANTED in part as to Plaintiff's claims under 15 U.S.C. §§ 1692d(6) and 1692e(11) and for violation of Tex. Fin. Code §§ 392.304(a)(5)(B) and DENIED as to the remainder of Plaintiff's claims.

**IT IS SO ORDERED.**

**SIGNED this the 1st day of August, 2012.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is positioned above a horizontal line.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE